## **Alpental Technologies**

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September 10, 2013

VIA: ECFS

Electronic Mail

Mr. Julius P. Knapp Chief Office of Engineering & Technology Federal Communications Commission 445 12<sup>th</sup> Street SW Washington, DC 20554

RE: Revision of Part 15 of the Commission's Rules Regarding Operation in the 57-64GHz Band, ET Docket No. 07-113

Dear Mr. Knapp,

Alpental Technologies has been following the Petition and NPRM related to the above referenced proceeding that led to the recent Report and Order. We are developing next generation, low-cost, multi-gigabit per second 60GHz communications solutions that we believe will enable service providers, enterprises and consumers to fully benefit from the very positive regulatory environment that the FCC has put in place for this band. We were very pleased to see the FCC was proposing to further evolve the rules in the NPRM to foster on-going investment in technologies related to this band.

We believe that the slight changes to the rule language introduced in the Report & Order relative to that in the NPRM for Part 15.255(b)(1) regarding allowed EIRP, could make it possible for the new rule to be misinterpreted. The particular scenario under which this could occur is for a device that can operate both indoors and outdoors, using a lower gain antenna (e.g. 20dBi).

Our understanding, given the spirit of the Petition and NPRM, and all the documents on the record, is that Part 15.255(b)(1) should be read such that products other than fixed field disturbance sensors, operating in this band and located outdoors may chose to comply with either Part 15.255(b)(1)(i) or Part 15.255(b)(1)(ii). It is our understanding that this is what is intended by the highlighted language in the following excerpt of the new rule for Part 15.255(b)(1):

"(1) Products other than fixed field disturbance sensors shall comply  $\underline{\text{with one of}}$   $\underline{\text{the following}}$  emission limits,..."

On the contrary, it should not be interpreted that Part 15.255(b)(1)(ii) shall always apply for a device when it is located outdoors, as could be wrongly interpreted due to the "Except as indicated in paragraph (ii), ..." language at the start of Part 15.255(b)(1)(i). This incorrect interpretation would result in a significant EIRP penalty for a device with a lower gain antenna (e.g. 20dBi) when the device was located outdoors relative to that allowed under the original rules for Part 15.255(b).

We have discussed this issue with others in the industry and have found other companies have similarly reached the conclusion that the possibility for misinterpretation exists, particularly if the rules are not read in the context of the proceeding. Given this, we would be very grateful if you could confirm our interpretation of the rules is correct – specifically please clarify that a device when located outdoors can chose to comply with either Part 15.255(b)(1)(i) or Part 15.255(b)(1)(ii).

If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

/s/ Michael J. Hart

Michael J. Hart CTO Alpental Technologies, Inc

cc (via electronic mail): Mark Settle

Tom Peters